THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12783 of 2001

DATED:20-08-2005

BETWEEN:

M. Gowresu, S/o. Pothu Raju,

Chowdavaram Mandal,

Visakhapatnam District. … Petitioner

And

The Chodavaram Co.operative Sugar

Factory Ltd., rep.by it's Managing Director,

Govada, Visakhapatnam District.

….Respondent

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12783 of 2001

ORDER:

The writ petition is filed seeking to declare the action of the respondent in not altering the date of birth of the petitioner as

15-07-1946 instead of 30-06-1941 and in retiring him from the service of the society on 30-06-2001 as illegal and arbitrary and consequently, direct the respondent to continue the petitioner till he attains the age of superannuation of 60 years as per his original date of birth 15-07-1946.

The petitioner was sought to be retired by virtue of proceedings dated 22-05-2001 on attaining the age of superannuation of 60 years with effect from 30-06-2001. The same is under challenge. By virtue of interim orders, the petitioner has been continued in service.

It is an admitted fact that the petitioner's date of birth is mentioned in his Service Book as 01-07-1941. At the fag end of the career, he wants to alter the same on the ground that the entry in his Service Book was wrongly mentioned as 01-07-1941 instead of 15-07-1946. Except the oral assertion that his date of birth was wrongly mentioned in the Service Book as stated above, no material has been produced before this Court as a material paper to show that his correct date of birth is 15-07-1946. If that being the case, it cannot be construe that while entering the date of birth, a mistake was crept in.

On the assertion that a mistake was crept in while entering his date of birth, he could have preferred this writ petition. If at all, it is his case that his date of birth is only 15-07-1946, but not 30-06-2001, he ought to have approached an appropriate forum for declaration of his correct date of birth. But, as could be seen from the material available on record, no such steps seem to have been taken in this regard.

I see no material on record to show that the order impugned has been passed in violation of any statutory rules. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed holding that the impugned proceedings are legal and valid. No order as to costs. However, it is made clear that the interim direction granted by this court earlier, stands vacated.

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K.C.BHANU, J.

Dated: 20-08-2005.

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